

GOVERNMENT OF TELANGANA  
ABSTRACT

Public Services -Disciplinary action against Sri Md. Faiz Ali, Forest Range Officer (Retd) - recovery of Government loss of Rs. 4,70,256 - Orders - Issued.

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ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (FOR.III) DEPARTMENT

G.O.Rt.No. 35

Dated: 18-03-2019.

Read the following:

Ref: 1. Orders of Hon'ble APAT Dt. 04-07-2012 in O.A No. 7097/2009 and 10263/2009.  
2. Orders of Hon'ble High Court Dt. 23-12-2013 in W.P.No.37361/2013.  
3. From the Prl. CCF, Lr.Rc.No.58324/2005/Vig.1, Dt.8.5.2015.  
4. G.O.Rt.No.44, EFS&T (For.III) Dept., dt. 30.03.2017.  
5. Govt. Memo.No.2246/For.III/A1/2015, Dt. 03-04-2017.  
6. From PCCF Lr.Rc.No.15538/2009/Accts & Pen-4, Dt. 31-03-2017.  
7. Govt. Memo.No.2246/For.III/A1/2015, Dt. 15-07-2017.  
8. From PCCF Lr.Rc.No.15538/2009/Accts & Pen-4, Dt.24-07-2017.  
9. From High Court, Hyderabad C.C. (TR) No. 571 of 2017, dt.14.09.2018.

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ORDER:

Whereas, it was brought to the notice of the Government that, Sri Md. Faiz Ali, while working as Forest Range Officer, Banswada has sanctioned estimates with wrong higher rate of Rs. 3.27/pit instead of Rs. 0.97/ per item for digging of 0.3 Cum pits in hard soils as per the FSR item No. 2.3.4 of 2005-2006 FSR of Zone-II thereby, the Government have incurred an excess expenditure of Rs. 4,70,256/- . Therefore show cause notice for recovery of loss of Rs.4,70,256/- was issued vide Procd.No.8170/2005/N10, Dt.23-01-2009 and Procd.No.8170/2005/N10, Dt. 22-06-2009 by Divisional Forest Officer, Nizamabad. He was also issued Article of Charges under CCA Rules, on 25.08.2009 vide Rc.No. 58324/2005-PXT3, Dt. 24.08.2009 by the Prl. CCF, (HoFF) Hyderabad under rule 20 of CCA Rules, 1991, for dereliction of duties. The Charged Officer has filed cases in the Hon'ble APAT against the Show Cause Notices and Article of Charge issued against him. The Hon'ble APAT in its Judgment 1<sup>st</sup> read above has set-aside the Show Cause Notices and Disciplinary proceeding issued against the Charged Officer. The W.P. No. 37361/2013 filed against the above orders of Hon'ble APAT, Dated 04.07.2012 was dismissed by the Hon'ble High Court in its order 2<sup>nd</sup> read above. Sri Mohd Faiz Ali, the then Forest Range Officer now retired has filed another O.A.No. 3501/2015 praying for release of pension and other consequential benefits on which the Hon'ble APAT in its orders dt. 25.04.2016 has passed orders for payment of pension and other pensionary benefits. Consequently, Sri Md. Faiz Ali has also filed W.P. No. 41447 of 2016 in the Hon'ble High Court praying to release the pension and other pensionary benefits. The Hon'ble High Court in its interim orders 7<sup>th</sup> read above has passed orders as follows:

"Pending further orders, the respondents shall consider within six (06) weeks from the date of receipt of a copy of the order the request of petitioner to release pension and other pensionary benefits since he is retired on 31.08.2009."

2. Pursuant to the above orders of Hon'ble High Court, Government have released the pensionary benefits to Sri Mohd Faiz Ali, (Retd) the then Forest Range Officer, Banswada, Nizambad District, now retired vide G.O 4<sup>th</sup> read above.

3. The Hon'ble High Court in its orders 2<sup>nd</sup> read above while discussing the W.P.No. 37361/2013 filed by the Principal Chief Conservator of Forests interalia has made it clear that "this will not preclude the Government from taking appropriate steps against the A.O in accordance with law".

4. The Principal Chief Conservator of Forests in the letter 8<sup>th</sup> read above has reported that the Accountant General, Hyderabad vide his letter Dt. 24-04-2017 has authorized the following pensionary benefits in favour of Sri Mohd. Faiz Ali, Forest Range Officer (Retd) as:

Service pension	-	Rs. 16,175/- w.e.f 01.02.2010.
Family pension	-	Rs. 9,705/- p.m
Retirement Gratuity	-	Rs. 2,88,338/- in one lumpsum

5. The Accountant General, Hyderabad has also authorized the payment of commuted value of pension of Rs. 5,89,366/- in favour of Sri Md. Faiz Ali, Forest Range Officer (Retd).

6. The loss caused by the individual Sri Md. Faiz Ali (Retd) to the Govt. of Rs. 4,70,256/- has to be made good. As the pensionary/terminal benefits of the individual are released, it is felt necessary to recover an amount of Rs. 4,70,256/- as per Rule 9 (7) of Revised Pension Rules, 1980.

7. Government after careful consideration of the case, have decided to recover the loss of Rs. 4,70,256/- caused to Government under rule 9 (7) of Revised Pension Rules, 1980 to make good the loss caused to Government from Sri Mohd. Faiz Ali, Forest Range Officer (Retd) and accordingly order the Principal Chief Conservator of Forests to take immediate necessary action for recovery of Rs. 4,70,256/- from Sri Md. Faiz Ali, (Retd) by invoking provisions of R.R Act as per para (5) of G.O.Rt.No.1097 finance (FW, Pen-1) Dept., 22.06.2000 duly issuing a fresh notice for recovery of the above loss under the principle of natural justice.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

AJAY MISRA  
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To  
The Principal Chief Conservator of Forests, Telangana State, Hyderabad.  
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// FORWARDED :: BY ORDER //

SECTION OFFICER